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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/686,547

10/14/2003

J. Scott Carr

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08/18/2011

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EXAMINER

TRUVAN, LEYNNA THANH

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

08/18/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                                      |                                    |  |
|---|--------------------------------------|------------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>10/686,547 | <b>Applicant(s)</b><br>CARR ET AL. |  |
|   | <b>Examiner</b><br>LEYNNA TRUVAN     | <b>Art Unit</b><br>2435            |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 July 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-12, 14-20, 25, 27-29 and 58-63.  
 Claim(s) withdrawn from consideration: 13, 21-24, 26 and 30-57.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Kimyen Vu/  
 Supervisory Patent Examiner, Art Unit 2435

Continuation of 11. does NOT place the application in condition for allowance because: claims 1-12,14-20,25,27-29 and 58-63 remain rejected under the Wu and Maloney combination.

In response to argument on pg.17, that Wu and Maloney do not whatsoever disclose or suggest "verifying the bearer's age...the second digital data and the third digital data correspond" as recited in claim 1. According to the claimed invention, second digital data correspond to a biometric indicator obtained from auxiliary data steganographically embedded in the document which can be in the form of watermark of a document and can be in the form of a card, driver's license, or passport, ect. The claimed third digital data correspond to a biometric sample that corresponds to the bearer which can broadly include fingerprint, facial scan, retinal scan, etc, that is related to identifying the person or bearer. Wu discloses one or several invariant features combined can encrypted by hashing or to produce a random pattern using the extracted message and combine the original content and the generated pattern to generate a watermark (col.8, lines 28-30 and col.9, lines 43-45). Wu discloses verifying the legitimacy of the article embedded with linked watermarks where watermark is known in the art to protect owner/person of the identification document being identified or copy protected from unauthorized people. This reads on verifying the second digital data. Wu shows in Figures 4-6 verifying both the watermark (second digital data) and correlating in the recognition engine the biometric of the person (third digital data) of the document. Wu also includes personal particulars include person's age which suggests the bearer's age can be used for correlation or verification. Therefore, Wu reads on the claimed "verifying the bearer's age when the second digital data and the third digital data correspond".

In response to argument on pg.19, that Maloney does not use stored image for comparison and is not equivalent to "verifying the bearer's age...the second digital data and the third digital data correspond" as recited in claim 1. As discussed earlier, Wu discloses "verifying the bearer's age...the second digital data and the third digital data correspond", which suggests the a comparison process and Maloney is only relied upon to teach the first digital data indicates that the bearer is at least as old as a predetermined age.

Maloney discloses an improved identification verification apparatus comprises a camera for capturing an image of a user, a storage device that stores the captured image, a microprocessor and a data detection device coupled to the microprocessor (Maloney-col.1, lines 47-59). Maloney also discusses a method of vending a product having a minimum age limitations where data is extracted from an identification card. The extracted information includes data of birth information that is used to calculate whether the identification card indicates that the user satisfies the minimum age limitation. Thus determines the identification card is valid (Maloney-col.2, lines 5-21). The age calculation is performed by the verification apparatus to determine whether or not the person/customer has the appropriate or of not an appropriate age (Maloney-col.4, line 61-col.5, line 11 and col.5, lines 38-56). This reads on "verifying the bearer's age when the first digital data indicates that the bearer is at least as old as a predetermined age". Hence, the information extracted (i.e.birth data) is verified which would include some form of comparison process in order to determine whether the person identified in the camera as a person of age. Thus suggests comparison is done remotely by a microprocessor (Maloney-col.1, lines 47-59), which reads on the claimed processor receiving the first digital data corresponding to an age indicator.

In response to argument on pg.20-24 regarding claims 12 and 25, that Wu and Maloney does not disclose or suggest as claimed and that anonymity is not preserved. Claim 12 recite limitations that is similar to independent claim 1 which is about determining and verifying person's age and identity information of the identification document such whether the fields or information correspond to the stored of a processor. The response is addressed above. As for the argument anonymity is not preserved, Wu discloses verifying a watermark and biometrics of the bearer of the document. The watermark itself is a form of embedded information that does not disclose the identity of a person and biometrics once captured are in code or is in a computer program language form of a person's fingerprint, facial scan, etc.and not literally a picture of a person. As such, the biometrics being that it is in code or computer language form does not expose a person but protects the person's anonymity.